

sn. 10/710,792

page 5

REMARKS

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith (the non-US patent references of which follow by courier). The Examiner is respectfully requested to consider this enclosed Statement and the Information Disclosure Statement filed electronically on October 27, 2004.

Claims

Claim 1 has been amended to define further aspects of the invention.

Claims 3 and 4 have been amended to provide proper antecedents.

New claims 6 to 18 have been added. New claims 6 to 10 are fully supported in the specification as originally filed. New claims 11 to 18 are based on claims already found allowable by the Examiner.

Claim Rejections – 35 USC 102

Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Batchelor et al. Since a rejection under 102 for anticipation requires that the single reference teach each and every element of the rejected claim (*Atlas Powder v. E.I. DuPont*, 750 F.2d 1569 (224 USPQ 409)(Fed. Cir. 1984)), applicant respectfully submits that the examiner's rejections under 102 in this case fail to meet this test.

Applicant's claim 1 defines a heat sink comprising: a first thermal plate, a second thermal plate, a plurality of adjacent fins integral with and extending between both the first thermal plate and the second thermal plate and a plurality of end spacers mounted between the plurality of adjacent fins to space and form fluid passages between the interfacing side surfaces thereof. While Batchelor et al. teach a form of heat sink, they do not teach a construction including a plurality of end spacers mounted between the plurality of adjacent fins to space and form fluid passages between the fins.

sn. 10/710,792

page 6

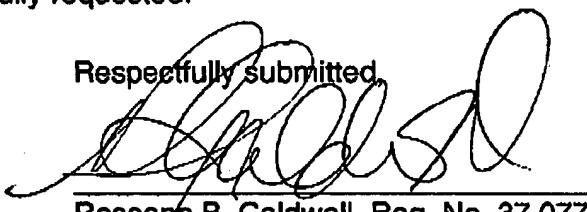
As Batchelor does not teach all of the elements of claim 1, this claim and dependent claims 2 to 10 are clearly not anticipated by this prior reference. Favorable consideration is respectfully requested.

Allowable Subject Matter

Claims 4 and 5 were identified by the Examiner as being allowable. As such, claim 11 has been added including the subject matter of claims 1 and 4, as originally filed, and claim 15 has been added to include the subject matter of claims 1 and 5, as originally filed.

Favorable consideration is respectfully requested.

Respectfully submitted,


Roseann B. Caldwell, Reg. No. 37,077

BENNETT JONES LLP
4500 - 855 - 2nd Street S.W.
Calgary, Alberta CANADA
T2P 4K7

tel. (403) 298-3661

Date: June 27/05

Docket: 47621-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCOTT, Alexander Robin Walter Group Art Unit: 3744
Serial No.: 10/710,792 Examiner: JONES, Melvin
For: HEAT SINK

INFORMATION DISCLOSURE STATEMENT

- []1 Pursuant to 37 CFR 1.97(b)
[within 3 months of filing or prior to 1st Office Action]
- [XX]2 Certification Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance]
- []3 Fee Payment Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance]
- []4 Petition, Certification & Petition Fee Payment Pursuant to 37 CFR 1.97(d)
[before issue fee payment]

Honorable Commissioner of Patents and Trademarks,
Washington, D.C. 20231,
U.S.A.

Sir:

The following are submitted in the above-identified application in compliance with
37 CFR 1.97 & 1.98

- []5 A list of documents on form PTO-1449 together with copies of each identified non-US patent document and a translation or a concise explanation of each non-English language document is enclosed herewith.

This paper is submitted in accordance with:

[]6 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]

[XX]7 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and

[XX]8 The required certification made in item 11 below; or

[]9 The \$200.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 14 below.

[]10 37 CFR §1.97(d): [before issue fee payment]; and

(a) This is a petition for consideration of the subject Information Disclosure Statement. The petition fee (\$130.00) required by 37 CFR 1.17(i)(1) is authorized in item 14 below. (Direct this letter to: "Attention PETITIONS EXAMINER" and if applicable include batch locator information: e.g. "Allowed Files, Batch _____, Date of Allowance _____"); and

(b) The required Certification is stated in item 11 below.

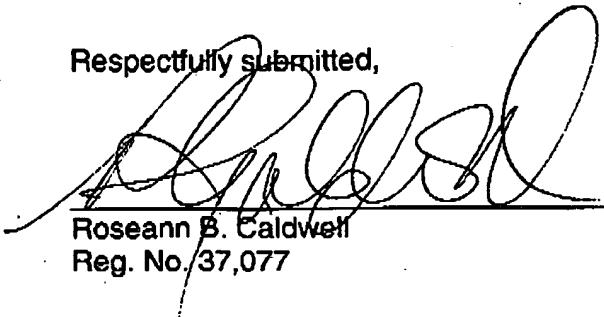
[XX]11 Certification

[XX]12 Each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or

[]13 No item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this document after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three (3) months prior to the filing of this Statement.

[XX]14 Please charge all applicable fees associated with the submittal of this Information Disclosure Statement to Deposit Account No. 02-2057. An original and two (2) copies of this document are enclosed.

Respectfully submitted,


Roseann B. Caldwell
Reg. No. 37,077

Bennett Jones LLP
4500 Bankers Hall East
855 – 2nd Street SW
Calgary, Alberta T2P 4K7
(403-298-4466)

Date: _____

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)</p>				Complete If Known
<p>Sheet 1 of 2</p>		<p>Application Number 10/710,792</p> <p>Filing Date 08/03/2004</p> <p>First Named Inventor SCOTT, Alexander R.W.</p> <p>Art Unit 3744</p> <p>Examiner Name JONES, Melvin</p>	<p>Attorney Docket Number 47621-23</p>	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² Number ³ Kind Code ⁴ (if known)			
		DE 198 41 583	03-16-2000	Glueck	
		JP 57 188855	02-15-1983	Kobe Seikosho KK	
		GB 2 059 569	04-23-1981	Racal Comm.	
		JP 2003 069266	07-03-2003	Fujikura Ltd.	

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ***Applicant's unique citation designation number (optional):** ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For the Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-788-9199) and select Option 2.